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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE SECOND PART* of the 52nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 March 1990, at 6.40 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

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*/ The summary record of the first part of the meeting appears as document E/CN.4/1990/SR.52.

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HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 14) (continued)

Draft resolution E/CN.4/1990/L.57

1. Mr. MIYASHITA (Japan), introducing the draft resolution entitled "Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms", said that in its previous resolution on the subject (1988/59), the Commission had invited the United Nations University to submit a report to the Commission at its current session. However, a note from the Secretary-General (E/CN.4/1990/29) had informed the Commission that the necessary research would not be completed until February 1991. The current resolution therefore invited the United Nations University to submit its final report to the Commission at its forty-seventh session. His delegation would not refer to the agenda item at the next session, since it was an item which was considered only every two years.

2. Draft resolution E/CN.4/1989/L.57 was adopted without a vote.

Draft resolution E/CN.4/1990/L.61

3. Mr. OGOURTSOV (Observer for the Byelorussian Soviet Socialist Republic), introducing the draft resolution entitled "Human rights and scientific and technological developments", said that it highlighted the importance of scientific and technological progress and the contribution such progress could make to development, while acknowledging the supreme importance of the right to life. He wished to thank the co-sponsors of the draft resolution, including some delegations which had not supported similar resolutions in the past, and hoped that it would be adopted by consensus.

4. The CHAIRMAN announced that the following countries had joined the sponsors of the draft resolution: Algeria, Bolivia, Cameroon, Cuba, Madagascar and Mongolia.

5. Draft resolution E/CN.4/1990/L.61 was adopted without a vote.

Draft resolution E/CN.4/1990/L.63/Rev.1

6. Mr. VASSILENKO (Ukrainian Soviet Socialist Republic), introducing the draft resolution entitled "Human rights and the environment", said that rapid scientific and technological progress in recent years had had negative as well as positive effects. In some cases, it had brought irreversible changes in the environment which posed a threat to human rights such as the right to life and the right to enjoy the highest attainable standard of physical and mental health.

7. At its most recent session in August 1989, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted decision 1989/108, in which it had asked Ms. Fatma Ksentini to investigate the feasibility of a study on the environment and its relation to human rights. The draft resolution currently before the Commission supported that initiative, and he hoped that it would be adopted without a vote.

8. The CHAIRMAN announced that Romania and Swaziland had joined the sponsors of the draft resolution.

9. Mrs. BATACLAN (Philippines) and Mr. ALDORI (Iraq) said that their delegations wished to join the sponsors of the draft resolution.

10. Mr. JOHNSON (United States of America), speaking in explanation of vote before the vote, said that his delegation appreciated the thought and effort which had clearly been put into the draft resolution. His country was aware of the seriousness of environmental issues, and was working towards a solution to the problem in the appropriate forums. However, his delegation considered that the environment was not a human rights issue: it was already dealt with by the United Nations Environment Programme, the Inter-Governmental Committee on Climatic Change, the World Meteorological Organization, and regional organizations such as the Economic Commission for Europe. The Commission on Human Rights and the Sub-Commission had limited time at their disposal, and should confine themselves to matters which were not dealt with by other organizations. Unfortunately, therefore, his delegation was unable to support the draft resolution before the Commission.

11. Draft resolution E/CN.4/1990/L.63/Rev.1 was adopted by 40 votes to none, with 2 abstentions.

12. Mr. TAUCHI (Japan), said that his delegation had abstained in the vote because it considered that the issue was adequately dealt with in other forums. It nevertheless appreciated the intentions behind the resolution and the importance of the issues at stake. His country intended to allocate official development assistance amounting to $2 billion to environmental issues over the next three years.

Draft resolution E/CN.4/1990/L.65

13. Mr. BLANC (France), introducing the draft resolution entitled "Guidelines on the use of computerized personal files", said that Mr. Joinet, Special Rapporteur of the Sub-Commission, had produced a revised version of his draft guidelines for the regulation of computerized personal data files, incorporating comments received from Governments. Those revised guidelines were contained in document E/CN.4/1990/72. The draft resolution under consideration called upon the Economic and Social Council to transmit the revised guidelines to the General Assembly for adoption. The question of personal data files was a very sensitive one, which had aroused a great deal of public concern, and there was a need for guidelines for their use. He hoped that the draft resolution would be adopted by consensus.

14. Draft resolution E/CN.4/1990/L.65 was adopted without a vote.

Sub-Commission draft resolution II (E/CN.4/1990/2, chap. I, sect. A), and amendment E/CN.4/1990/L.51

15. Mr. WHITAKER SALLES (Brazil) drew attention to an amendment (E/CN.4/1990/L.51) submitted by the delegations of Argentina, Colombia, Mexico, Peru and Venezuela, as well as his own delegation, to draft resolution II of the Sub-Commission entitled "Movement and dumping of toxic and dangerous products and wastes". The wording of the sixth preambular

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paragraph of draft resolution II, which stated that the movement and dumping of toxic and dangerous products endangered basic human rights, including "the right to live in a sound and healthy environment and consequently the right to health", did not reflect the wording which had been agreed upon by consensus in the International Covenant on Economic, Social and Cultural Rights. The sponsors of draft resolution E/CN.4/1990/L.51 therefore suggested that the words quoted should be replaced by "and the right to the highest attainable standard of health, including in its environmental aspects".

16. The CHAIRMAN said that, if there was no objection, she would take it that the Commission wished to adopt the amendment to draft resolution II of the Sub-Commission, contained in document E/CN.4/1990/L.51.

17. It was so decided.

18. Mr. JOHNSON (United States of America), speaking in explanation of vote before the vote on Sub-Commission draft resolution II, said that, once again, his country could not accept that the draft resolution had any relevance to human rights. His country was fully aware of the gravity of the issue: it had participated in the drafting of the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and had had multilateral and bilateral contacts with a number of States, particularly in Africa, concerning the dumping of toxic wastes. However, it could not support a draft resolution on that subject from the Commission on Human Rights.

19. Sub-Commission draft resolution II, as amended, was adopted by 31 votes to none, with 11 abstentions.

20. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 14.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (continued)

Draft resolution E/CN.4/1990/L.59

21. Mrs. DIEGUEZ ARMAS (Mexico), introducing the draft resolution entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", said that the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families had completed the second reading of the draft convention. The draft resolution under consideration called upon the Centre for Human Rights to carry out a technical revision of the text in order to ensure uniformity of terminology and standardize the various language versions. That technical revision should be completed before the next meeting of the Working Group, so that the Group could finish its work as soon as possible. She hoped that the draft resolution would be adopted without a vote.

22. The CHAIRMAN announced that Madagascar had joined the sponsors of the draft resolution.

23. Mr. HAMDAN (Observer for Lebanon) said that his delegation also wished to join the sponsors of the draft resolution.

24. Draft resolution E/CN.4/1990/L.59 was adopted without a vote.

25. Mr. KONIG (Federal Republic of Germany) said that his delegation had joined the consensus on the resolution, as it had done in previous years. However, it had substantive reservations about the need for such a convention. His country considered that the protection of migrant workers was already guaranteed by other human rights instruments; it had also objected to many of the provisions agreed upon by the Working Group. The proposal to submit the draft convention to the General Assembly for adoption at its forty-fifth session would allow Governments little time to study the revised text. Consequently, his country might not be in a position to accede to the convention when it was adopted.

26. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 13.

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 20) (continued)

Draft resolution E/CN.4/1990/L.58

27. Mrs. ILIC (Yugoslavia), introducing the draft resolution entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities", said that it took note of the report of the open-ended working group set up to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1990/41), which had completed the first reading of the draft declaration. It called upon the Centre for Human Rights to prepare a technical review of the articles approved by the Working Group, in order to ensure uniformity of terminology and to standardize the various language versions. It further invited the Secretary-General to submit the approved articles to Governments, specialized agencies, and intergovernmental and non-governmental organizations, and to prepare an analytical compilation of any comments received. Lastly, it called upon the Economic and Social Council to authorize 10 fully-serviced meetings of the open-ended working group during the first two weeks of the Commission's forty-seventh session. She hoped that the draft resolution would be adopted without a vote.

28. Mr. JOHNSON (United States of America) explained that the draft resolution recommended that the open-ended working group should meet during the first two weeks of the next session of the Commission, as experience had shown that deferring meetings to later in the session had made it difficult for some delegations to participate. He hoped that the draft declaration under negotiation would help solve the many conflicts in the world which were derived from minority problems.

29. Draft resolution E/CN.4/1990/L.58 was adopted without a vote.

Sub-Commission draft decision 4 (E/CN.4/1990/2, chap. I, sect. B)

30. Sub-Commission draft decision 4 was adopted without a vote.

MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES (agenda item 21) (continued)

Draft resolution E/CN.4/1990/L.82

31. Mr. OGOURTSOV (Observer for the Byelorussian Soviet Socialist Republic), introducing the draft resolution on behalf of the sponsors, said that the text noted and condemned the continued existence of various forms of totalitarian ideologies and practices. He drew attention to the following drafting changes: in the fifth preambular paragraph, the words "and legislation" should be inserted after the word "systems"; in operative paragraph 4, "arrest, prosecution, extradition" should be amended to read "arrest, prosecution or extradition".

32. The text was the outcome of extensive discussions; the sponsors hoped that it would be adopted by consensus.

33. The CHAIRMAN announced that Cuba had joined the sponsors of draft resolution E/CN.4/1990/L.82.

34. Draft resolution E/CN.4/1990/L.82, as amended, was adopted without a vote.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 24) (continued) (E/CN.4/1990/47)

35. Mr. WALKER (Observer for Australia), Chairman-Rapporteur of the Working Group on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, introduced the Group's report (E/CN.4/1990/47). While the mandate of the Group was to set standards, its objective had been not so much to draft new standards as to consider measures for the more effective realization of rights already recognized in existing instruments, with a view to reinforcing their protection and promotion. The draft declaration particularly addressed activities of those individuals and groups working to promote and protect human rights. Many "human rights defenders" pursued their work outside the protective framework of international or national attention, often in difficult and dangerous environments; that fact was a constant reminder to the members of the Working Group that their activity had an urgent and practical relevance. The Working Group was not, however, a forum for airing specific allegations and communications, since that lay outside its mandate.

36. While various difficulties had been experienced in the previous four sessions of the Working Group and progress had at first been slow, general acceptance had been obtained in 1986 for a "schematic outline", which had set out a broad structure for the drafting of the declaration. It had comprised five chapters dealing with: the affirmation and definition of the right; the right to know one's rights and to impart to others the knowledge of one's rights; the right to associate with others in the promotion and dissemination

of knowledge about human rights; the right to be protected in the exercise of one's rights and to have recourse to effective remedies in the event of violations of those rights; and lastly, conditions and limitations on the exercise of the right. Those headings had been somewhat modified at subsequent sessions, but the basic structure had been retained.

37. At its current session the Group had achieved far greater progress in terms of text provisionally adopted than at all its four previous sessions. Most of the first four chapters of the draft declaration had been provisionally agreed and those texts were set out in annex 1 to the report. That progress was the result not only of an improved international climate, but also of the fact that at the previous session, while it had not succeeded in adopting a great deal of text, the Group had discussed thoroughly the major issues involved in chapters III and IV, thereby laying the groundwork for further consideration of those chapters. Another factor was that at its forty-fifth session the Commission had agreed to the Group's request for additional meeting time, increasing its duration from five to eight days. In his view, the Group had justified the confidence placed in it by the Commission and should therefore be granted eight days for its next session, at which it should be able to complete a first reading of the draft declaration.

38. Referring to the report in more detail, he said that the Group had focused on chapters III and IV. In so doing, it had moved some elements which had originally been proposed for chapter III to chapter IV, thereby permitting the provisional adoption of important principles concerning individual rights and State responsibility which were fundamental to the proposed declaration. Much of the discussion had concentrated on matters relating to the rights of peaceful assembly and association, and in that connection, the Group had reached agreement on three subparagraphs. However, there had been no agreement on the right of NGOs to solicit and receive funds from sources outside their own country. That issue would be pursued at a future session. There had also been agreement on an extensive list of elements relating to the proposed chapter IV on the right to be protected against violations of relevant rights and to have recourse to remedies. The atmosphere of co-operation and mutual respect throughout the session had made for workmanlike and intensive discussions, and he expected that that productive atmosphere would enable the Group quickly to finalize the first reading of the text. In keeping with that co-operative approach, the report had been circulated in draft form to all delegations which had participated actively in the Group's work and their suggestions had been incorporated in the final text. He commended the report to the Commission for its consideration.

Draft resolution E/CN.4/1990/L.62

39. The CHAIRMAN pointed out that the financial implications of the draft resolution were set out in document E/CN.4/1990/L.97.

40. Mr. BARKER (Observer for Australia), introducing draft resolution E/CN.4/1990/L.62 on behalf of its sponsors, said that the text was of a procedural nature and requested that the open-ended Working Group should be authorized to meet for a period of eight working days prior to the forty-seventh session of the Commission. That request was based on the significant progress made by the Group during its meetings prior to and during the Commission's forty-sixth session. He hoped that the draft resolution would be adopted without a vote.

41. The CHAIRMAN announced that Finland, France, the Federal Republic of Germany, Hungary, Spain and the United Kingdom had joined the sponsors of the draft resolution.

42. Draft resolution E/CN.4/1990/L.62 was adopted without a vote.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued)

Draft resolution E/CN.4/1990/L.36/Rev.1

43. Mr. VALLADARES (United States of America), introducing the draft resolution entitled "Situation of human rights in Cuba" (E/CN.4/1990/L.36/Rev.1), said that the report of the mission which had taken place in Cuba in accordance with Commission decision 1988/106 (E/CN.4/1989/46 and Corr.1) contained the testimony of hundreds of individuals concerning the question of human rights in Cuba. In connection with that mission, the draft resolution called upon the Government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by the Commission's representatives (E/CN.4/1989/46, annex XVI).

44. The draft resolution also requested the Secretary-General to inform the Commission of the results of his ongoing contacts with the Government of Cuba at its forty-seventh session. It would be an affront to the Secretary-General if the Commision did not take an interest in the results of those contacts, which the Commission itself had requested.

45. Referring to the reports of reprisals against witnesses, he said that such harassment should be of concern to every member of the Commission, particularly since the Government of Cuba had promised that there would be no such reprisals. It was because the sponsors were anxious that the Commission's mechanisms should be able to function normally in every country, and not because of ideological concerns, that the resolution had been drafted.

46. The CHAIRMAN announced that Panama had joined the sponsors of the draft resolution.

47. Mr. ROA KOURI (Cuba) said that the draft resolution was completely unacceptable to his delegation on both substantive and procedural grounds. There was in his country no situation in the field of human rights which might justify the use of a procedure normally employed only in cases of mass and gross violations or of systematic policies of violation of human rights and fundamental freedoms. Cuba lagged behind no other country in the observance of human rights or willingness to abide by its obligations as a Member of the United Nations. It had invited and received the mission which had visited Cuba in September 1988 and had consented to the mission's report being discussed in open session. Reports that individuals who had had contacts with the mission had been subjected to reprisals were a complete fabrication. No one was detained in Cuba unless he or she had committed offences under the country's Penal Code.

48. Operative pararaph 1 of the draft resolution proceeded on an assumption of reprisals in the absence of any proof whatever. As to the reference to annex XVI of the mission's report, contained in operative paragraph 2, he

referred to the statement he had made in the Commission on 28 February 1989 (E/CN.4/1989/SR.41) explaining that his Government was under no obligation to submit its Constitution and laws to the Commission's scrutiny. As to annex III of the report, also mentioned in operative paragraph 2, it contained information sent to Geneva by counter-revolutionary and other groups concerning facts not observed by the mission during its visit to Cuba. Lastly, operative paragraph 3 prejudged the contents of the report requested from the Secretary-General and should likewise be rejected.

49. With regard to procedure, he recalled that Commission decision 1989/113 left it to the Secretary-General to determine the appropriate manner of maintaining contacts with the Cuban Government on the issues and questions raised in the mission's report. The draft implied, inter alia, that the manner chosen by the Secretary-General for dealing with the matter was not the appropriate one.

50. Having scrupulously discharged all its obligations in connection with Commission decision 1989/113 and with all pertinent resolutions of the Economic and Social Council, Cuba was not disposed to accept entirely unjustified discriminatory treatment simply in order to please the United States. The draft resolution was inconsistent with the letter and spirit of the decision and represented yet another attempt to achieve what mercenary aggression, terrorist infiltration, assassination attempts and a criminal economic blockade had failed to do.

51. Ms. GONZALES MARTINEZ (Mexico), speaking in explanation of vote before the vote, said that the draft resolution's content and purpose were inconsistent with the spirit of decision 1989/113, which recognized the Cuban Government's good faith. His delegation, which had been one of those most active in the delicate negotiations leading to the decision's adoption, considered that the draft resolution went too far, and would therefore vote against it.

52. Mr. PAGAC (Czechoslovakia), speaking in explanation of vote before the vote, said that his delegation wished to join the sponsors of draft resolution E/CN.4/1990/L.36/Rev.1. His delegation's request was a historic one but should not be considered surprising in the light of the changes which had taken place in his Government's attitude to human rights issues. He wished to take the opportunity to reiterate his Government's support of the Commission's work as a whole.

53. The CHAIRMAN announced that Poland, Norway, Denmark, Luxembourg and Portugal had also joined the sponsors.

54. At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/1990/L.36/Rev.1.

55. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Belgium, Bulgaria, Canada, France, Gambia, Germany, Federal Republic of, Hungary, Italy, Japan, Morocco, Panama, Philippines, Portugal, Senegal, Spain, Sweden, United Kingdom, United States of America.

Against: China, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Mexico, Sri Lanka, Ukrainian SSR, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Argentina, Botswana, Brazil, Colombia, Madagascar, Nigeria, Pakistan, Peru, Sao Tome and Principe, Somalia, Swaziland, Venezuela.

56. Draft resolution E/CN.4/1990/L.36/Rev.1 was adopted by 19 votes to 12, with 12 abstentions.

57. Mr. ROA KOURI (Cuba), speaking in explanation of vote, said that his delegation had voted against the resolution just adopted by the Commission. The hardships suffered by the Cuban people as a result of the policy of aggression, harassment and economic blockade pursued against his country by successive Presidents of the United States showed up the hypocritical nature of the United States Government's alleged concern with human rights in Cuba. In fact, the human rights issue was being used as a weapon in settling the international disputes in which the United States was involved. During the past four years, Cuba had staunchly supported the principles which should govern the Commission's activities, while at the same time defending the position of small countries within the United Nations system. Cuba's policy of co-operation with the mission of 1988 appeared not to have been appreciated. Contrary to arguments advanced, the resolution was indeed discriminatory against Cuba, and it was a matter for particular regret that countries like Bulgaria, which had in the past always stood at Cuba's side, had been persuaded otherwise. As to Czechoslovakia's and Poland's decision to join the resolution's sponsors, that was hardly surprising in view of the apparent ease with which those countries changed their political principles.

58. Mr. CASTRIOTO DE AZAMBUJA (Brazil), speaking in explanation of vote, said that his delegation had always taken the view that issues relating to the protection and promotion of human rights should be dealt with - especially by the Commission on Human Rights - exclusively in the light of humanitarian concerns. The introduction of political or ideological factors was likely to create an atmosphere of sterile debate, unhelpful to the attainment of the long-term humanitarian goals set forth in a number of solemn instruments. His delegation believed that, in its deliberations on the situation of human rights in Cuba, the Commission had from the outset failed to meet those important conditions. For that reason, and in keeping with its previous position on decisions relating to the same question, it had abstained in the vote on the resolution just adopted.

59. Mr. STANEVSKI (Union of Soviet Socialist Republics) said that discussion of the situation of human rights in Cuba had assumed an excessively tense political character which might be described as confrontational. The politicization of the issue had coloured both the draft resolution submitted to the Commission and the atmosphere in which it had been adopted. Bearing those facts in mind, his delegation had voted against the draft. He wished to take the opportunity to reiterate with the utmost firmness that the Soviet Union was opposed to violations of human rights wherever they might occur - in Cuba, in the Soviet Union itself, in the United States or elsewhere.

60. Mr. ROMARE (Sweden), speaking in explanation of vote, said that his delegation had voted in favour of the resolution because it agreed with its contents. At the same time, it was bound to regret that the Commission's discussions of the issue during the past few years had been tainted by political considerations, to the detriment of impartial consideration.

Draft resolution E/CN.4/1990/L.47

61. Mr. KAMAL (Pakistan) said that during the Commission's consideration of agenda item 12, the delegation of China had provided detailed information about the events which had taken place in Beijing in June 1989. That information deserved the Commission's careful study. No country was immune to civil disturbances; an attitude of understanding towards the difficulties which the Government of China had faced was called for. Had the disturbances in Beijing not been stopped in time, the consequences would undoubtedly have been serious. Timely action had been required in order to maintain national security and preserve social stability and conditions conducive to a normal life for the vast majority of the Chinese people. It should also be borne in mind that, since joining the Commission, China had consistently adopted a positive attitude towards the Commission's work, had always conducted careful and responsible investigations on communications transmitted to it by the Centre for Human Rights and by various Special Rapporteurs of the Commission, had unfailingly responded to all such communications, and had submitted, punctually, periodic reports on implementation to the various monitoring organs established by the international human rights instruments to which it was a party. His delegation was confident that China would continue to conduct itself in that manner in the future, and failed to see the point of adopting a draft resolution which requested the Government of China to submit information to the Commission.

62. Almost a year had passed since the incidents of June 1989 and the situation in China had long since returned to normal: martial law in Beijing had been lifted, and more than 500 people detained for their part in the disturbances had been released. The Government of China had repeatedly affirmed its willingness to continue its open and reform-oriented policy geared to the further enhancement and protection of human rights. In those circumstances, and in accordance with rule 65, paragraph 2, of the rules of procedure, he formally moved that no action be taken on that draft resolution.

63. Mr. FULDA (Federal Republic of Germany) said that he found it difficult to understand why the Commission should not take action on the draft resolution. It would be impossible to explain why the Commission should be entitled to take a substantive decision on Cuba but not on China. To disagree with the contents of a draft resolution could not constitute a reason for refusing to decide upon the text itself. A motion requiring that no decision be taken was an attempt to weaken the Commission's decision-making capacity, and a vote in favour of such a motion should not be interpreted as being in favour of any particular country but, rather, as a vote against the Commission. His delegation had consistently opposed such procedural motions in the field of human rights and accordingly opposed the motion tabled by Pakistan.

64. Mr. ROMARE (Sweden) considered that the procedure invoked by the representative of Pakistan should be employed sparingly and with discretion. He appealed to all those who shared the Commission's legitimate concern with human rights violations in any part of the world to vote against the motion.

65. Ms. BIHI (Somalia), seconding the motion, expressed the firm conviction that the Government of China deserved full support in its efforts to overcome its temporary difficulties.

66. Mr. ROA KOURI (Cuba) also supported the motion.

67. Mr. ABRAM (United States of America) opposed the motion.

68. A roll-call vote was taken on the motion proposed by Pakistan that no decision be taken on draft resolution E/CN.4/1990/L.47.

69. Iraq, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, China, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Madagascar, Nigeria, Pakistan, Sao Tome and Principe, Somalia, Sri Lanka, Ukrainian SSR, Union of Soviet Socialist Republics, Yugoslavia.

Against: Belgium, Bulgaria, Canada, France, Germany, Federal Republic of, Hungary, Italy, Japan, Panama, Portugal, Spain, Swaziland, Sweden, United Kingdom, United States of America.

Abstaining: Argentina, Botswana, Brazil, Colombia, Gambia, Mexico, Morocco, Peru, Philippines, Senegal, Venezuela.

70. The motion was adopted by 17 votes to 15, with 11 abstentions.

Draft resolution E/CN.4/1990/L.53

71. Mr. PEREIRA GOMES (Portugal), introducing the draft resolution entitled "Situation of human rights in Albania" (E/CN.4/1990/L.53), said that the text was essentially a sequel to Commission resolution 1989/69, taking into account the fact that in the interim the Government of Albania had for the first time made a response to the Commission's Special Rapporteur on religious intolerance. It was felt, however, that that welcome step should be consolidated through full replies to the specific questions asked by the Special Rapporteur. Moreover, there was still concern about the human rights situation in Albania. In view of the fact that its sole purpose was to clarify a situation that the Commission had had under consideration for a number of years, his delegation hoped that the draft resolution could be adopted by consensus.

72. The CHAIRMAN announced that the United States of America had joined the sponsors of the draft resolution.

73. Draft resolution E/CN.4/1990/L.53 was adopted by 27 votes to 3, with 12 abstentions.

Draft resolution E/CN.4/1990/L.60/Rev.1

74. Mr. ROMARE (Sweden), introducing the draft resolution entitled "Human rights situation in Romania" (E/CN.4/1990/L.60/Rev.1), said that the situation in Romania had considerably improved, as was evident from the report (E/CN.4/1990/28/Add.1) of the Special Rapporteur on the subject, who had been appointed at the previous session. A number of problems remained, however, and were being tackled in the present difficult period of transition towards full respect for human rights and fundamental freedoms. Since the continued services of the Special Rapporteur would be of benefit to the Romanian Government and people in those efforts, the draft resolution proposed that his mandate be extended for a further year. It further invited the Romanian authorities to consider making use of the United Nations Voluntary Fund for Advisory Services. His delegation hoped that the draft resolution, which aroused no controversy among the parties immediately concerned, could be adopted by consensus.

75. The CHAIRMAN noted that the draft resolution had financial implications, which were set out in draft resolution E/CN.4/1990/L.64.

76. Draft resolution E/CN.4/1990/L.60/Rev.1 was adopted without a vote.

77. Mr. NASTASE (Observer for Romania) said that his Government maintained its commitment to co-operate fully with the Commission and the Special Rapporteur. He thanked the sponsors of the resolution and the members of the Commission for the understanding they had shown vis-à-vis the changes taking place in Romania.

Draft resolution E/CN.4/1990/L.67

78. Mr. ROMARE (Sweden), introducing the draft resolution entitled "Summary or arbitrary executions" (E/CN.4/1990/L.67), said that summary or arbitrary executions, a particularly abhorrent breach of human rights, were unfortunately still prevalent in many parts of the world, as had been pointed out by the Special Rapporteur on the subject in his report (E/CN.4/1990/22 and Corr.1 and Add.1). The draft resolution, which contained many elements from Commission resolution 1989/64 together with some new elements taken from Economic and Social Council resolutions 1989/64 and 1989/65, strongly condemned the large number of summary or arbitrary executions, demanded that the practice be brought to an end and extended the mandate of the Special Rapporteur on the subject for a further two years. His delegation hoped that, as had been the case with similar texts in previous years, the draft resolution would be adopted without a vote.

79. The CHAIRMAN noted that the draft resolution had financial implications, which were set out in draft resolution E/CN.4/1990/L.93.

80. Draft resolution E/CN.4/1990/L.67 was adopted without a vote.

Draft resolution E/CN.4/1990/L.74

81. Ms. ANDREYCHUCK (Canada), introducing the draft resolution entitled "Human rights and mass exoduses" (E/CN.4/1990/L.74), said it was a sequel to previous resolutions of the General Assembly and the Commission, and like them aimed to draw the attention of the international community to the problem of

mass exoduses and ways in which they could be prevented. It invited States and intergovernmental organizations to intensify their co-operation, called on the Secretary-General to continue to develop the role of the Office for Research and the Collection of Information and to strengthen the system for undertaking early warning activities in the area, and welcomed the call by the Executive Committee of UNHCR for the establishment of a working group to examine refugee protection and durable solutions. Her delegation hoped that the draft resolution, like previous texts on the subject, would be adopted by consensus.

82. The CHAIRMAN announced that Austria had joined the sponsors of the draft resolution.

83. Draft resolution E/CN.4/1990/L.74 was adopted without a vote.

Draft resolution E/CN.4/1990/L.80

84. Mr. BENEDETTI (Italy), introducing the draft resolution entitled "Situation of human rights in Afghanistan" (E/CN.4/1990/L.80), said that the draft resolution had been based on the report on the human rights situation in Afghanistan prepared by the Special Rapporteur on the question, who since his appointment by the Commission in 1984 had performed his difficult duties with competence. The sponsors felt that the continuing attention given by the Commission to the situation in Afghanistan had contributed to the containment of violations of humanitarian law and human rights in that country. A significant improvement in the situation could be achieved only through the strict application of humanitarian law by all parties to the conflict, through granting the full protection of international law to all prisoners and through the continuation of humanitarian assistance to the Afghan people. Although an improvement in the human rights situation was possible in the present circumstances, the sponsors firmly believed that major problems such as the return of refugees could not be solved without a comprehensive political solution and the establishment in Afghanistan of a broadly-based Government. The opinions, concerns and recommendations set out in the draft resolution had been discussed with many delegations in order to achieve consensus. His delegation hoped that it could be adopted without a vote.

85. The CHAIRMAN noted that the draft resolution had financial implications, which were set out in draft resolution E/CN.4/1990/L.91.

86. Draft resolution E/CN.4/1990/L.80 was adopted without a vote.

Draft resolution E/CN.4/1990/L.84

87. Mr. HAMDAN (Observer for Lebanon), introducing the draft resolution entitled "Situation of human rights in southern Lebanon" (E/CN.4/1990/L.84), said that it reflected the deep concern expressed in the Commission about the continuation in southern Lebanon of Israeli violations of international human rights instruments, in particular the Universal Declaration of Human Rights and the fourth Geneva Convention, as well as Israel's failure to comply with Security Council resolutions 425 (1978) and 509 (1982) calling on its forces to withdraw from southern Lebanon. The draft resolution also called on the Israeli Government to facilitate the work of the ICRC and other humanitarian organizations, which were at present unable to perform their humanitarian missions in the region. The draft resolution reflected the facts as set forth in several reports and United Nations documents; he hoped that the Commission would be able to adopt it by consensus.

88. The CHAIRMAN announced that Algeria, Cuba, Saudi Arabia and Tunisia had joined the sponsors of the draft resolution.

89. Mr. WALDEN (Observer for Israel) said that the draft resolution gave the impression of having been prepared without reference to the due processes of thought. In concentrating on southern Lebanon, it ignored the rest of that unhappy country, 60 per cent of which was occupied by Syria. It could be quite categorically stated that Israel did not occupy southern Lebanon; the draft resolution's reference to it as the "occupying power" was entirely mendacious. A balanced resolution on Lebanon would refer to the ruthless internecine warfare between the many sects in that country, to the situation in Beirut, to the occupation of the whole of the north of Lebanon by Syria and its serious constant violation of that country's independence, including interference in its choice of government, to the fact that the south of Lebanon was a base for numerous terrorist groups and criminal kidnappers, all aided and abetted by foreign countries, and to the fact that Israel's operations there were purely defensive and aimed at protecting its northern borders from attack. Israel had been accused of impeding the work of the ICRC; it was not Israel, however, that had kidnapped and still held two members of that organization. The draft resolution was, in fact, simply one more instance of anti-Israeli incitement whose adoption would make the Commission a platform for crude propaganda and thus deal its credibility a further blow.

90. Mr. PHARAON (Observer for the Syrian Arab Republic) said it was a universally recognized fact that Israel was occupying the south of Lebanon. The purport of the draft resolution was thus perfectly clear; similar resolutions had been adopted by the Commission in previous years. The Israeli statement lay outside the context of the draft resolution.

91. Ms. PATTERSON (United States of America) said that her country remained deeply concerned about the deteriorating conditions in Lebanon, including its southern area, and believed that conditions must be created to achieve the withdrawal of all foreign forces from that country. However, the draft resolution, like texts submitted on the subject in previous years, was unbalanced, inflammatory and failed utterly to take into account other important factors, such as the presence of various factions and militias, contributing to southern Lebanon's problems or to address the real human rights problems facing the Lebanese people. The United States would therefore vote against the draft resolution.

92. Her delegation urged all sectors of the Lebanese people and, in particular, all civil and military officials to support their President and the constitutional process initiated for the peaceful restoration of Lebanon's unity and independence throughout its territory, together with the withdrawal of foreign forces and the disbandment of militias. It further urged the Lebanese people to devote themselves to the urgent task of national reconciliation and to demonstrate their commitment to democratic processes in order to ensure the protection of fundamental human rights.

93. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1990/L.84.

94. Iraq, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Iraq, Italy, Japan, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, Venezuela, Yugoslavia, Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Hungary, India.

Against: United States of America.

Abstaining: Swaziland.

95. Draft resolution E/CN.4/1990/L.84 was adopted by 41 votes to 1, with 1 abstention.

96. Mr. HAMDAN (Observer for Lebanon) said the resolution just adopted referred to a specific situation within Lebanon which had undoubtedly inflamed the country's internal problems. Although convinced that the United States Administration was committed to ending Lebanon's sufferings, he was greatly concerned that its negative vote might encourage further illegal practices that would increase those sufferings. He reminded the Commission that Israeli violations of human rights in the area under occupation in southern Lebanon had been reported not by the Lebanese Government but by the Secretary-General of the United Nations and by UNIFIL. In the consultations leading to the drafting of the resolution, every effort had been made to achieve a balanced and non-inflammatory text that would reflect the facts of concern to the Commission and convey to the Israeli Government the international community's views on its policy in southern Lebanon. It was to be hoped that the United States would use its good offices vis-à-vis the Israelis to persuade them to respect the will of the international community as embodied in the resolution.

97. Mr. PHARAON (Observer for the Syrian Arab Repbulic) said that all those present were well aware that there was a legitimately elected Government in Lebanon representing its people and recognized by the international community. It was regrettable that the Zionist forces still remained in southern Lebanon after their expulsion by national Lebanese resistance forces from the other areas of the country they had invaded, principally thanks to material, financial and military support from the United States. The presence of Syrian forces had been requested by the Lebanese Government in order to establish peace and order, an action supported by resolutions adopted at various Arab summit meetings. The aggressors were the Israeli forces currently occupying southern Lebanon, despite the false claims to the contrary customarily made by the Zionists.

The meeting rose at 9.15 p.m.